

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (CANCELLED)

13. (NEW) A semiconductor light emitting element comprising as a lamination structure:

an insulating substrate;

GaN-based stacked films stacked/formed on said insulating substrate, one of these films being a GaN-based film grown by using a selective growth mask material layer containing a fluorescent substance; and

an active layer, formed on the GaN-based stacked films, for emitting at least a visible light component,

wherein said fluorescent substance converts the visible light emitted by said active layer.

14. (NEW) The semiconductor light emitting element according to claim 13, wherein said visible light emitted by said active layer mainly consists of a blue light.

15. (NEW) The semiconductor light emitting element according to claim 13, wherein said fluorescent substance is  $(Ba, Ca)B_4O_7$ ,  $(Ca, Sr)_2P_2O_7$  or a mixture of them.

16. (NEW) The semiconductor light emitting element according to claim 13, further comprising a protective film containing the fluorescent substance on a topmost layer.

17. (NEW) The semiconductor light emitting element according to claim 1, wherein said light emitting layer includes an  $A_1xIn_yGa_{1-x-y}N$  ( $0 \leq x \leq 0.1 \leq y \leq 1$ ) film, or a  $B_2Ga_{1-z}N$  ( $0 \leq z \leq 1$ ) film.

18. (NEW) The semiconductor light emitting element according to claim 13, wherein the selective growth mask material layer containing said fluorescent substance is formed in a stripe shape.

19. (NEW) The semiconductor light emitting element according to claim 13, wherein the selective growth mask material layer containing said fluorescent substance is formed in a grid shape.

20. (NEW) The semiconductor light emitting element according to claim 13, wherein the selective growth mask material layer containing said fluorescent substance is formed in a polka-dot pattern.

21. (NEW) The semiconductor light emitting element according to claim 13, further comprising a lens formed on a back surface side of said insulating substrate.

22. (NEW) The semiconductor light emitting element according to claim 13, wherein a thickness of the mask layer containing said fluorescent substance is in a range of 50 nm to 20  $\mu$ m.

5.  Cancel in this application original claim(s) 2-12 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6.  Amend the specification by inserting before the first line the sentence:

This is a  continuation  divisional of application Serial No. 10/281,852 filed October 28, 2002, which application is hereby incorporated by reference in its entirety.

- 7a.  New formal drawings are enclosed.

- 7b.  Priority of application Serial No(s).:

Japanese application Serial No. 11-362839 filed December 21, 1999 is claimed under 35 U.S.C. § 119.

- 7c.  The certified copy of the priority application was filed in prior application Serial No. 09/745,250, filed December 20, 2000.

8.  The prior application is assigned of record to: KABUSHIKI KAISHA TOSHIBA.

9.  The power of attorney in the prior application is as listed on the attached copy of the declaration filed in the parent application.

- a.  The power appears in the original papers in the prior application.

- b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

- c.  Address all future communications to:

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Customer Number

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- d.  A new Associate Power of Attorney is enclosed.
10.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
11.  Applicant claims small entity status. See 37 CFR 1.27.
- Applicant no longer claims small entity status.